

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

3 UNITED STATES OF AMERICA, Criminal No. 3:16cr50008

Plaintiff,

6 JASON BRADLEY, NAYNA TAYLOR,
and EDWARD TAYLOR, 11:32 a.m.

Defendants. June 28, 2017

9 TRANSCRIPT OF TRIAL TESTIMONY OF CHRISTOPHER MORGAN
10 BEFORE THE HONORABLE NORMAN K. MOON
11 UNITED STATES DISTRICT JUDGE, and a Jury

APPEARANCES:

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Proceedings recorded by mechanical stenography; transcript produced by computer.

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1 MS. MUNRO: Your Honor, the government will call
2 Chris Morgan.

3 CHRISTOPHER MORGAN, CALLED AS A WITNESS BY THE GOVERNMENT,

4 SWORN

5 DIRECT EXAMINATION

6 BY MS. MUNRO:

7 Q. Good morning.

8 A. Good morning.

9 Q. Would you please state your full name for the record?

10 A. Christopher Paul Morgan.

11 Q. How are you currently employed?

12 A. I am a special agent with the Drug Enforcement
13 Administration, currently assigned to the Charlotte, North
14 Carolina, district office.

15 Q. How long have you been with the DEA?

16 A. I've been employed with the DEA since 1999, so
17 approximately 17-and-a-half years.

18 Q. Have you been a special agent the entire time?

19 A. Yes, ma'am.

20 Q. Assigned to the Charlotte division?

21 A. Charlotte has been one of the offices that -- I've been
22 in Charlotte since approximately 2002.

23 Q. Where else have you worked?

24 A. Coming out of the academy, I worked on the southwest
25 border of Mexico and the U.S. in McAllen, Texas, for

1 approximately three years. Transferred to Charlotte on a
2 special enforcement team and acted in that capacity for
3 approximately three years and then was fortunate enough to
4 get an assignment to the district office as a special agent
5 out of the Charlotte office since 2005.

6 Q. Just by way of background, what was that special
7 enforcement team?

8 A. It was a regionalized enforcement team. We were, I'd
9 say, approximately ten agents. We had a couple intel
10 analysts, a couple support staff, supervisory staff. We're a
11 fully housed team, budgeted separately from the DEA, and we
12 would get requests from officers throughout the country that
13 had high-profile cases or needed additional support,
14 manpower, funding, equipment. We would go to those
15 particular areas, and we would assist cases in those
16 particular areas. So for that three-year time frame, we
17 worked on an out-of-area deployment schedule. We'd work ten
18 days out of the area and came home for four at a time,
19 assisting at whatever offices submitted a request for us.

20 Q. So back in 2013, were you part of this enforcement team,
21 or were you on just a regular rotation at the Charlotte
22 office?

23 A. I was an agent out of the Charlotte office just working
24 within the Western District of North Carolina, primarily.

25 Q. Were you working any particular kinds of cases?

1 A. At that particular time, we were working whatever was --
2 whatever was needed at that particular time. We were having
3 a lot of problems with a methamphetamine issue that had come
4 into the area. Then the beginning of 2013, end of 2012 we
5 started receiving a lot of complaints in regard to the bath
6 salts and synthetic cathinone epidemic that had started.

7 Q. Where were those complaints coming from?

8 A. They were coming from a lot of local informants, a lot
9 of local business owners, individuals that were -- that had
10 store fronts located next to head shops, as we refer to them,
11 novelty shops, smoke shops that were selling a lot of these
12 suspected products.

13 Q. What are head shops?

14 A. Tobacco shops. Sell a lot of glassware, smoke-type
15 paraphernalia, rolling papers, that type of thing.

16 Q. Where do you see head shops cropping up in the
17 communities in which you operate?

18 A. Most of the ones in our particular area are in strip
19 mall locations. Just small brick-and-mortar-type businesses
20 in strip malls at various areas throughout the city.

21 Q. Why exactly had you identified them as a problem at that
22 time?

23 A. We started having a lot of issues with individuals going
24 in and obtaining bath salts and the synthetic marijuana or
25 synthetic cathinones, as they're referred to. We started

1 having a lot of complaints from local store owners that there
2 were a lot of customers that were lining up prior to the
3 businesses opening --

4 MR. COOK: Objection. Hearsay.

5 THE COURT: Sustained.

6 BY MS. MUNRO:

7 Q. So from your own personal experience working some of
8 these cases, why had the DEA identified these as an
9 enforcement priority at that time?

10 A. We took the information that was given to us by
11 informants, and then we conducted our own surveillance
12 operations. I was out on multiple occasions when we actually
13 observed numerous individuals waiting on stores to open. We
14 observed numerous individuals in what we referred to or
15 commonly called the zombie state -- tweaking out or
16 whatever -- and waiting or needing for the location to open
17 up so they could go in and purchase whatever particular
18 product they needed to get their next fix to calm them down.

19 Q. Why were they able to get these products at a head shop
20 located in a strip mall?

21 A. There were a lot of different locations, and for
22 whatever reason, I guess the store owners or whoever were
23 manning the products inside the businesses had decided that
24 there was enough of demand that they began handling these
25 products and started selling them to the general public.

1 Q. Did you work some of these cases back in 2013?

2 A. Yes, ma'am.

3 Q. Did you work them solely through the DEA?

4 A. No, ma'am. We worked closely with our counterparts, our
5 local police department in Charlotte. That's the Charlotte
6 Mecklenburg Police Department or CMPD for short.

7 Q. Are you familiar with Queen City Smoke Shop?

8 A. Yes, ma'am.

9 Q. How are you familiar with that name?

10 A. It was one of the tobacco shops or head shops, as
11 they're referred to, that's located off one of the main
12 highways in Charlotte that we had received a lot of
13 complaints in regard to it being one of the locations that
14 were selling some of these suspected products.

15 Q. Were you, yourself, involved in any operations
16 concerning that location back in 2013?

17 A. Yes, ma'am, I was.

18 Q. Can you describe for the jury the nature of your
19 involvement in that case?

20 A. Yes, ma'am.

21 We worked closely with the Charlotte Mecklenburg Police
22 Department in identifying multiple locations, Queen City
23 Smoke Shop being one of them. With the assistance of
24 undercover officers with the local police department, we
25 conducted several different operations where we sent

1 undercover officers in to purchase a variety of different
2 products inside the store. Those products were then taken in
3 and submitted to laboratories for testing and analysis, and
4 once the analysis came back that they contained illegal
5 substances or illegal chemicals, we followed that up with
6 additional controlled purchases. And, then, on most
7 occasions, we then followed that with a state search warrant
8 for that particular facility, and in this particular
9 instance, that's what we did. CMPD officers or detectives
10 did the controlled undercover purchases, and that was
11 followed up with a state search warrant at that particular
12 business.

13 Q. Do you remember when that was?

14 A. It was in 2013.

15 Q. Which agency obtained the search warrant?

16 A. The Charlotte Mecklenburg Police Department.

17 Q. How were you involved with that search warrant or
18 search?

19 A. Myself and another agent in my office -- or another task
20 force officer in my office were called to assist. So we
21 briefed and arrived at the scene during the execution of that
22 search warrant, and so I helped go through the store and
23 identify various different products. I helped with the
24 evidence techs in pointing out things that needed to be
25 documented, things that needed to be photographed, and

1 various different items that we were interested in that
2 needed to be collected.

3 Q. So do you know who the suspects were in that particular
4 operation?

5 A. It was Edward and Nayna Taylor.

6 Q. And you were part of the entry team and the execution of
7 that search warrant?

8 A. I was not part of the actual entry team, but I was part
9 of the team that followed up and conducted -- assisted with
10 conducting the search and the collection of the evidence.

11 Q. Special Agent Morgan, I'm going to show you a couple of
12 photographs. I'm going to show you what's marked as
13 Government Exhibit 76.

14 Do you recognize that?

15 A. Yes, ma'am, I do.

16 Q. What is that?

17 A. It's a photograph of some of the inventory items within
18 the Queen City Smoke Shop as they were displayed when we
19 conducted the search warrant.

20 Q. Do you know who took this photograph?

21 A. Evidence technician, at my direction, was taking the
22 photographs for us.

23 Q. So was that photograph taken at the time that you were
24 in the shop?

25 A. Yes, it was.

1 Q. Is that a fair and accurate depiction of what you saw on
2 that day?

3 A. Yes, ma'am.

4 MS. MUNRO: Your Honor, the government seeks to admit
5 Exhibit 76 into evidence.

6 THE COURT: Be admitted.

7 (Government Exhibit No. 76 was marked for
8 identification and admitted into evidence.)

9 BY MS. MUNRO:

10 Q. Can you describe for the jury what they're looking at?

11 Can we publish?

12 Go ahead.

13 A. Yes, ma'am. This is -- as you walk into the front door
14 of this particular business, you can see in the bottom left
15 corner the glass counter or display counter items. Behind it
16 on the wall is just shelving with additional inventory items
17 that were inside the store at the time. I mentioned earlier
18 some smoke-type apparatus and so forth. You can see those up
19 on the top right corner. Those are utilized for vaping or
20 for other types of smoking activities.

21 Q. Okay. So in connection with the execution of this
22 search warrant, did law enforcement officers retrieve
23 anything that they considered to be contraband at the time --
24 or that you did?

25 A. Yes, ma'am, we did. As a matter of fact, through the

1 undercover purchases of the particular products that tested
2 positive, we specifically --

3 MR. NAGY: Judge, I'm going to object. That's
4 hearsay. I object to any characterization about anything
5 testing positive for anything. He's trying to testify about
6 substances testing positive, and it's hearsay.

7 THE COURT: Sustained.

8 BY MS. MUNRO:

9 Q. Let's talk about what you considered at the time you saw
10 these items.

11 A. Based on the controlled purchases of particular items by
12 the undercover officers, those were products of interest to
13 us whether or not there was more inventory in the store. So
14 when we conducted our search, we initially were looking for
15 those same type of substances or items.

16 Then, in these particular types of cases, what makes it
17 extremely difficult for law enforcement is that we do not
18 have any idea what substances are in a lot of these packages,
19 whether some substance contains illegal chemicals, or whether
20 they did not. So in these particular situations, we actually
21 had to seize the majority of the packets and what we alleged
22 or thought at the time could possibly be illegal narcotics.
23 So coming out of a head shop or a tobacco shop or an
24 inventory store of this sort, we seized hundreds of exhibits,
25 hundreds of packets of suspected items at that time.

1 Q. So from this photograph, are you able to direct the jury
2 to anything in particular that you seized or considered to be
3 problematic when you executed the search warrant?

4 A. In this particular photograph, it's hard to tell, but in
5 the glass display cases, there are lots of packets of what we
6 believed to be synthetic marijuana at the time, and they're
7 packaged in various different colors of packages, various
8 different flavors of packaging. So we took those items at
9 that time during the search warrant.

10 Q. I'm going to show you what's marked as Government's
11 Exhibit 70.

12 Do you recognize that?

13 A. Yes, ma'am, I do.

14 Q. I know it's sideways.

15 A. Yes, ma'am, I do.

16 Q. How do you recognize it?

17 A. This is an actual picture of the cash register drawer
18 opened, pulled out, from behind the counter. I noticed
19 several things in this particular picture. In the top
20 portion of the picture are two little blue canisters. That's
21 actually a product that was called "Blue" being sold as a
22 pipe cleaner. It was one of the items that was purchased
23 during the undercover purchases and later submitted to a
24 laboratory for analysis.

25 Then on the bottom portion of this particular photograph

1 are some tan or -- excuse me, orange or brown-type packages
2 that were -- packages that were also sold as a hookah
3 cleaner. These are Crystaal or Crystal Bubbly packet
4 cleaner, and those were also submitted for evidence.

5 MS. MUNRO: Your Honor, the government would move to
6 admit Exhibit 70 into evidence.

7 THE COURT: Be admitted.

8 (Government Exhibit No. 70 was marked for
9 identification and admitted into evidence.)

10 BY MS. MUNRO:

11 Q. I'm going to show you what's marked as Government's
12 Exhibit 71.

13 So just briefly, since we've been over some of the
14 detail, how do you recognize this?

15 A. This is just a little bit more of a close-up photograph
16 of the same cash register.

17 Q. Was this also taken at the same time?

18 A. Yes, ma'am.

19 Q. During execution of the search warrant?

20 A. Yes, ma'am.

21 Q. Do you recognize this photograph?

22 A. I do.

23 Q. Is this a fair and accurate depiction of what you saw?

24 A. Yes, it is.

25 MS. MUNRO: Your Honor, the government would move

1 into evidence Government's Exhibit 71.

2 THE COURT: Be admitted.

3 (Government Exhibit No. 71 was marked for
4 identification and admitted into evidence.)

5 BY MS. MUNRO:

6 Q. You mentioned a minute ago one of the things law
7 enforcement was --

8 MS. MUNRO: Thank you, Your Honor. Permission to
9 publish?

10 THE COURT: It will be okay to do it.

11 MS. MUNRO: If the jury did not see Exhibit 70, then
12 we can go back to that in a minute.

13 THE COURT: Maybe they did.

14 THE CLERK: They did not, Your Honor. I didn't have
15 a chance to show it.

16 BY MS. MUNRO:

17 Q. Let's talk about this first. You said this is similar
18 to the photograph we just introduced as Exhibit 70; correct?

19 A. Yes, ma'am.

20 Q. So explain -- now that the jury is able to see the
21 screen, could you please explain what it is they're looking
22 at?

23 A. The picture is actually turned upside down or sideways.
24 It should be rotated down to the right as if you were looking
25 down into the cash register drawer.

1 The items at the top -- the two circle-shaped canisters
2 are the Blue product that I mentioned. As you drop down, the
3 tan -- the orangeish or brownish packages are the Crystal
4 Bubbly hookah cleaner. You see another one just as a
5 description, the stuff that's labeled "Amp." That's another
6 similar synthetic product sold to be smoked. That's just a
7 different brand as opposed to the Crystal Bubbly or as
8 opposed to the Blue.

9 Q. Mary, can we go back to Exhibit 70 so the jury can see
10 it?

11 So again, can you just briefly explain to the jury what
12 they're seeing?

13 A. That's the same photograph. It's just a little bit
14 wider of an angle that you're looking at. I think the other
15 was zoomed in a little more and showed that the drawer was
16 pulled out a little more so that you could see the writing on
17 the brown packages and also the writing on the Amp product.

18 Q. Can we go back to Exhibit 71 for a minute?

19 Zoom in. Can we zoom in on those brown packets on the
20 right?

21 So do you see any lettering in this photograph?

22 A. Yes, ma'am. If you look at the top left portion, you
23 can actually see the H, the O and a part of another O. And
24 what's significant about that is that when those items were
25 actually seized and processed for evidence -- unfortunately,

1 there's not a photograph here, but there's additional writing
2 that's descriptive on the packet that was later identified in
3 additional investigations that we were doing. This is
4 actually a substance called Crystal Bubbly hookah cleaner
5 being sold as a pipe cleaner.

6 Q. Can you describe that logo from memory, at all?

7 A. No, ma'am. I mean, I know there are additional
8 photographs. The hookah cleaner, Crystal Bubbly, is in
9 yellow writing across the package. Then there's a weight
10 that's -- there's various different weights associated with
11 this as far as gram packaging and so forth. I believe, if
12 I'm not mistaken, these are 1-gram packets.

13 Q. I'm going to show you what's marked as Government's
14 Exhibit 75. Do you recognize that?

15 A. Yes, ma'am.

16 Q. How do you recognize that?

17 A. This, again, is some of the drawing behind the cash
18 register, and this is some cash that was located in, like, a
19 grocery bag. It was fanned out for the photograph. If you
20 can see -- notice to the right, you see some of the cash
21 register --

22 Q. Just a minute. I haven't published it yet. Let's wait.
23 You recognize the photograph?

24 A. Yes, ma'am.

25 Q. This is also taken at the time?

1 A. Yes, ma'am.

2 MS. MUNRO: Government moves to admit Exhibit 75.

3 THE COURT: Be admitted.

4 (Government Exhibit No. 75 was marked for
5 identification and admitted into evidence.)

6 THE WITNESS: Again, this is cash or currency located
7 inside of a grocery-style plastic bag. It was fanned out a
8 little for the photograph. This is another one of the
9 drawers you see a little bit on the left-hand corner. That's
10 some more of that product Blue. It's a powder-type substance
11 that was being sold or marketed as a pipe cleaner. Then on
12 the right-hand side, you see some cash register receipt tapes
13 and so forth.

14 Some of the black packaging underneath the currency
15 are additional items and inventory. I'm not even sure what
16 the one on the right is. However, it's another one of the
17 packets sold as either a glass cleaner or a synthetic
18 herb-type substance to be smoked.

19 At the bottom of the photograph, again, you see the
20 top edging of several packets of a different-type substance
21 and then a portion of it.

22 BY MS. MUNRO:

23 Q. I'm going to show you what's marked as Government's
24 Exhibit 77.

25 Now, before we publish, do you recognize this?

1 A. Yes, ma'am, I do.

2 Q. How do you recognize it?

3 A. These are actually notebook pages photographed from a
4 notebook taken out of the cash register.

5 MS. MUNRO: The government moves to admit Exhibit 77
6 into evidence and publish to the jury.

7 THE COURT: Be admitted. You may publish.

8 (Government Exhibit No. 77 was marked for
9 identification and admitted into evidence.)

10 BY MS. MUNRO:

11 Q. Can you describe for the jury what they're seeing now?

12 A. Yes, ma'am.

13 This is the inside cover of the notebook with the name
14 Nayna Patel Taylor and a phone number. Then on the
15 right-hand side, you see kind of tally notes. On column
16 number 22, if you look on the left side down the spiral
17 portion of the notebook, you see: Blue, half gram, 263. You
18 see some other notations of CB or A Bomb or pure amp. Those
19 are just different inventory items that they had.

20 The 22nd represents -- as we look through and analyze
21 it, represents the date. If you look at the notation beside
22 the Blue of 4/27 --

23 MR. NAGY: Objection. He's interpreting data in a
24 notebook, and that's speculation.

25 THE COURT: Sustained.

1 BY MS. MUNRO:

2 Q. Mary, before we continue, can we zoom in on the right
3 side of that notebook?

4 Go on. Without speculating as to what those numbers
5 might be, can you explain, again, what you were seeing in
6 that notebook, and where did you find it?

7 A. This was in the cash register -- one of the cash
8 register draws.

9 Q. So this is the one you were referring to?

10 A. Yes, ma'am.

11 Q. Go ahead.

12 A. You see columns with numbers reflecting 22nd, 23rd,
13 24th, 25th on the top. And then as you drop down to the
14 bottom, you see reference of 4/27 on the left-hand side.
15 Then the column of 27, 28, 29, 30. These represent --

16 MR. COOK: Objection. Speculation.

17 MR. PARKER: Objection.

18 MR. NAGY: Objection.

19 THE COURT: Sustained.

20 BY MS. MUNRO:

21 Q. Do some of the substances you pulled out of the smoke
22 shop on that day bear the same name as some of the items
23 listed in this notebook?

24 A. Yes, they do.

25 Q. Can we zoom in on the left side of the notebook?

1 I believe you indicated earlier that the suspects at
2 that time were Nayna and Edward Taylor?

3 A. Yes, ma'am.

4 Q. Were you present on scene at any point that day when
5 they were also present?

6 A. Yes, ma'am, I was.

7 Q. Are you able to identify them?

8 A. Yes, I am.

9 Q. Can you identify them for the jury? Are they here?

10 A. Yes, they are. Edward Taylor is the gentleman sitting
11 to the right of the individual in the tan suit, wearing a
12 dark-colored jacket, red tie and glasses. Gray hair.

13 Q. Thank you.

14 A. Nayna Taylor is sitting to his right, wearing a blue
15 blouse, glasses and a black sweater or cardigan.

16 Q. So --

17 THE COURT: Did you say to his right?

18 THE WITNESS: To my right; to his left. Thank you,
19 sir.

20 BY MS. MUNRO:

21 Q. So while you were on scene that day, you assisted with
22 the collection of evidence. Were you responsible for
23 actually taking any of this physical evidence away from --

24 A. No, ma'am, I was not.

25 Q. So in connection with that execution of that search

1 warrant, did you have occasion to go anyplace else on that
2 day in relation to the investigation?

3 A. Yes, I did. On that particular day, there was also a
4 second search warrant that was conducted at the residence of
5 the Taylors. Pretty much simultaneously or at the same time
6 we did the search warrant at the retail store, I was at the
7 retail location. So other officers and agents were at the
8 residence. They conducted the initial entry and started a
9 search at that particular location. Then myself and my
10 partner were called over to that particular residence to
11 conduct more follow-up investigation.

12 Q. Who were you with?

13 A. I was with Task Force Officer David McGuirt.
14 M-C-G-U-I-R-T.

15 Q. So were you present at the Taylors' home?

16 A. Yes, ma'am, I was.

17 Q. How soon after they executed and made the initial entry
18 were you there?

19 A. I would say it was an hour or hour-and-a-half after.

20 Q. What did you understand at the time was your
21 responsibilities when you got to the house?

22 A. I was aware that they had located some items that were
23 of interest, and my intention was to go to try to see if I
24 could talk to the Taylors.

25 Q. I'm going to show you what's marked as Government's

1 Exhibit 74.

2 Before I ask any questions about this photograph or try
3 to authenticate it, did you actually see these items or
4 what's depicted in this photograph in place at the house?

5 A. Yes, I did. These are actual photographs that I took
6 myself.

7 Q. So you took these photographs.

8 A. Yes, ma'am.

9 Q. Did you take them at the time that you entered the
10 house?

11 A. At the time that I got there, yes, ma'am.

12 MS. MUNRO: Government seeks to admit Exhibit 74.

13 MR. NAGY: Judge, we'd ask for a side bar with the
14 Court.

15 THE COURT: Approach.

16 (Side bar discussion held on the record.)

17 MR. NAGY: Your Honor, none of these photographs that
18 are picked or shown -- that I can recall looking at them.
19 None of these items depicted the substance we're here about
20 today, the Crystal Bubbly hookah cleaner. None of the
21 photographs depict that. I don't recall seeing any Crystal
22 Bubbly hookah cleaner in any of the photographs, which would
23 mean what they're intending to introduce are photographs of
24 other potential criminal conduct, which would be 404-type
25 information that would be far more prejudicial than it is

1 probative at this point. So I'm going to object to all these
2 photographs coming in at this point because I don't believe
3 that they are relevant. If they are relevant, they're far
4 more prejudicial than they are probative.

5 MR. PARKER: Join the objection, Your Honor.

6 MR. HOFFMAN: Your Honor, it's all relevant because
7 they're drug-smoking devices. It's circumstantial evidence
8 of drug trafficking. They're selling the bongs and pipes
9 that drug traffickers use to smoke those type of things.

10 THE COURT: Will there be evidence of that? That
11 people smoke bath salts?

12 MR. HOFFMAN: I believe that's already in evidence,
13 Your Honor, as a means of ingestion. Smoked, snorted, drank.
14 It's called, as the Court knows, hookah cleaners. Those are
15 hookah types, some of those there.

16 MR. NAGY: The government has already introduced
17 photographs from the store, the items they are concerned with
18 and were taken from the store. My concern is in this
19 particular instance that there are no photographs of the
20 hookah cleaner at the residence, and if there's going to be
21 evidence presented that somebody found something at the
22 residence, that's one thing. But if they're just introducing
23 photographs that don't link up what's found at the residence
24 versus what is found in the store, then I still think it's
25 404.

1 MR. HOFFMAN: Your Honor, this is the equivalent, in
2 any drug case -- drug scales, drug paraphernalia.

3 THE COURT: I think it is admissible. I think it's
4 probative evidence. I don't think the prejudice outweighs
5 the probative value.

6 Overruled.

7 (Conclusion of side bar.)

8 BY MS. MUNRO:

9 Q. Can I confirm that Exhibit 74 was admitted?

10 THE COURT: Admitted.

11 (Government Exhibit No. 74 was marked for
12 identification and admitted into evidence.)

13 MS. MUNRO: Permission to publish to the jury?

14 Q. Now, Special Agent Morgan, can you explain to the jury
15 what they're seeing in this photograph?

16 A. Yes, ma'am. This is actually located in the basement of
17 their residence. This appears -- or this is items that were
18 similar to inventory items that were also located in the
19 Queen City Smoke Shop.

20 Q. What are these things?

21 A. The majority of the glass-type devices are smoking
22 apparatuses utilized for smoking various types of substances.

23 Q. Do they go by any names that you know of?

24 A. They're commonly referred to as marijuana bongs or
25 bongs.

1 Q. Have you ever heard them referred to as hookahs?

2 A. I have. Typically, a hookah pipe has hosing off of it
3 as opposed to just a glass apparatus.

4 Q. I'm going to show you what's marked at Government's
5 Exhibit 73.

6 Do you recognize this photograph?

7 A. Yes, I do.

8 Q. Who took this photograph?

9 A. I took this paragraph.

10 Q. When and where did you take it?

11 A. This photograph was taken at the time that I was at the
12 residence, but it's a backpack, and I believe there are
13 additional photos that show a larger picture. It's a
14 backpack inside the master bedroom.

15 MS. MUNRO: The government moves to admit Exhibit 73.

16 THE COURT: Be admitted.

17 (Government Exhibit No. 73 was marked for
18 identification and admitted into evidence.)

19 MS. MUNRO: Publish to the jury, please?

20 THE COURT: You may.

21 BY MS. MUNRO:

22 Q. Again, what is this?

23 A. This is the top opening of a backpack containing a large
24 amount of -- undetermined amount of U.S. currency.

25 Q. Where was this in the house?

1 A. It was located in the master bedroom.

2 Q. Did you find it, or was it already located by the time
3 you got there?

4 A. It was already located at the time I got there and
5 pointed out to myself and my partner.

6 Q. I'll show you what's marked as Exhibit 72.

7 Did you also take this photograph?

8 A. Yes, ma'am.

9 Q. Where and when did you take it?

10 A. Again, at the same time when I was there at the
11 residence. This is also in the master bedroom.

12 Do you want me to describe what I'm looking at?

13 MS. MUNRO: Government seeks to admit Exhibit 72.

14 THE COURT: Be admitted.

15 (Government Exhibit No. 72 was marked for
16 identification and admitted into evidence.)

17 MS. MUNRO: May we publish to the jury, Your Honor?

18 THE COURT: You may.

19 THE WITNESS: Starting with the backpack -- this is a
20 wider angle of the backpack that we just viewed with the top
21 flap open so you can see the currency and photograph we just
22 talked about. Then you see two cash register-style or
23 aluminum plastic-type containers that are full of U.S.
24 currency that were taken out of a larger safe inside of the
25 master bedroom.

1 BY MS. MUNRO:

2 Q. So at this point, has the currency been removed from the
3 backpack that's depicted in the front of the photograph?

4 A. No, ma'am.

5 Q. There's still cash in there?

6 A. Yes, ma'am.

7 Q. I believe you testified the remaining currency came out
8 of a safe in the house. Where was that located?

9 A. It was a large safe also in the master bedroom. The two
10 boxes and the backpack came out of the safe.

11 Q. Mary, can we zoom in on the middle box on the cash
12 specifically?

13 Do you know whether or not when the cash was pulled out
14 of the safe it was banded in this way?

15 A. Yes, it was.

16 Q. Thank you.

17 A. Yes, ma'am.

18 Q. So did you do anything with the currency at this point
19 in time?

20 A. At this point in time, I did not, personally. Members
21 of the Charlotte Mecklenburg Police Department collected it
22 and transported it to the CMPD property control for
23 safekeeping.

24 Q. Did you have any further involvement with this
25 particular evidence as the investigation continued?

1 A. Yes, I did. Myself and Task Force Officer McGuirt went
2 to the narcotics officers, and we took receipt of the
3 currency. We placed it into a large evidence currency bag,
4 sealed the currency bag, labeled it, signed it, initialed and
5 dated it. Myself and Officer McGuirt being the two witnesses
6 involved in that.

7 Q. Why did you take custody of it?

8 A. We took custody of it to proceed with federal forfeiture
9 on the asset. So it's normal practice when we're going to
10 try to federally forfeit a large amount of currency to take
11 that currency into our possession and go through our proper
12 process for getting it officially counted.

13 When we seize a large amount of currency from
14 individuals, we do not count it on the scene. We will write
15 them a receipt for an undetermined amount of currency. As
16 you can imagine, if you're dealing with large sums of money,
17 it's very easy to count it twice and end up with two
18 different figures. So to eliminate that possibility, we seal
19 all of it into bags, with witnesses. We sign those
20 particular bags, and then we take it to either a bank
21 facility or, at that time, we utilized Brinks, which is a
22 money -- a money-transfer agency, in order to receive an
23 official count. And then have it directly deposited into the
24 United States Marshal asset forfeiture fund.

25 Q. Let's back up a minute.

1 Can you define "forfeiture" for the jury?

2 A. Yes, ma'am. So when we deal with asset forfeiture --
3 there are numerous laws in place that allow the United States
4 government, if they can determine that U.S. currency is
5 either a profit from illegal gain or --

6 MR. NAGY: Your Honor, I'm going to object at this
7 point. He's giving a legal conclusion to the jury.

8 THE COURT: Sustained.

9 BY MS. MUNRO:

10 Q. What is your understanding from an operational
11 perspective of forfeiture?

12 MR. NAGY: Objection. Relevance. His understanding
13 is irrelevant.

14 THE COURT: Forfeiture is a legal proceeding. I
15 don't know why you're asking him --

16 MS. MUNRO: Just to help explain why they seized the
17 cash and what the purpose of the seizure was and because --
18 what their understanding was at the time -- the agency -- as
19 to their reason for seizing it.

20 THE COURT: I can instruct on the law of forfeiture
21 without --

22 MS. MUNRO: Okay, absolutely. All right.

23 Withdraw the question.

24 BY MS. MUNRO:

25 Q. So after you seized the currency, why did you have to

1 package it up in the manner that you did?

2 A. In order for us to process it through federal
3 forfeiture, it's taken because it's considered to be evidence
4 at that particular time. The money goes through our process
5 of securing it into a plastic bag or a currency bag so that
6 it cannot be manipulated with. Any money taken out of it is
7 sealed. It is then stored. Then we took it from the CMPD
8 office back to the Charlotte district office and stored it at
9 a safe in our Charlotte district office. The following day
10 or two days later, it was removed by myself and Task Force
11 Officer McGuirt. We then transported it to Brinks, where we
12 physically observed Brinks go through the counting process
13 and give us a denomination breakdown -- how many 10s, how
14 many 20s, how many 5s, et cetera, and a final official count.
15 Then Brinks fills out a deposit ticket with that amount and
16 does an actual wire or electronic deposit into the U.S.
17 Marshal asset forfeiture fund pending the investigation and
18 possible civil forfeiture of that money.

19 Q. What is Brinks?

20 A. Brinks is just a -- you see a lot of the armored trucks
21 that go around. Brinks is one of the companies that goes
22 around to various businesses and collects their currency,
23 collects their money and deals with bulk cash and coins and
24 handles just the sheer volume of currency. It was a company
25 at that time that we contracted with for large seizures

1 because banks got tired of having to utilize too many of
2 their employees for very extended periods of time, because it
3 takes a long time to count large amounts of money. The
4 Department of Justice contracted with Brinks at that
5 particular time, and that was the company that we used when
6 we had substantial seizures.

7 Q. And what is your understanding of the reason that the
8 DEA doesn't count currency when it seizes it?

9 A. Again, it's very easy if you've got \$300 to have two
10 different individuals count it and one possibly miss a bill
11 or not give you an accurate count. When you're dealing in
12 hundreds of thousands of dollars, it's very more common -- or
13 very common that you could possibly have two individuals
14 physically counting it right next to each other and have a
15 miscount. So in order to avoid those discrepancies so that
16 agents are not held reliable or integrity is attacked in any
17 particular way, there's not an official count done. The
18 money is collected, it's seized, and we have witnesses that
19 see all of the money going into a particular evidence bag.
20 That's sealed so it cannot be tampered with, and then that
21 entire bag is taken to either the bank or, in this particular
22 instance, Brinks. At that particular location, the Brinks
23 employee is the one that opens the bag and is the only
24 individual that is actually putting hands on the currency as
25 it's going through the counting process. Then we're

1 ultimately given the official final tally.

2 Q. I'm going to show you what's marked as Government's
3 Exhibit 78.

4 What is this?

5 A. This is a copy of the deposit slip that was conducted by
6 or that was filled out and prepared by Brinks that was
7 submitted into the -- you can read. I'm not sure -- they
8 haven't seen it yet. I'm sorry. It's just the deposit
9 ticket documenting the final amount and also the denomination
10 breakdown.

11 Q. You indicated, I believe, earlier that Brinks would fill
12 out some kind of an inventory or a tally of what they were
13 counting?

14 A. Correct.

15 Q. Is this it? Is this what you were referring to?

16 A. Yes, ma'am.

17 Q. So were you present when this was filled out?

18 A. Yes, ma'am. We actually take -- we have the deposit
19 book in our office. We actually take the deposit book with
20 us with the currency to Brinks, and they actually go through
21 the filling-out process.

22 Q. Is this a deposit slip that Brinks filled out for this
23 particular currency?

24 A. Yes, it is.

25 MS. MUNRO: The government moves to admit Exhibit 78

1 into evidence.

2 THE COURT: Be admitted.

3 (Government Exhibit No. 78 was marked for
4 identification and admitted into evidence.)

5 MS. MUNRO: Your Honor, may I have just one minute?

6 (Government counsel conferred.)

7 May we publish Exhibit 78 to the jury?

8 THE COURT: You may.

9 BY MS. MUNRO:

10 Q. Based on that deposit slip, what was the total amount of
11 currency seized from the Taylors in connection with that?

12 A. \$295,351.91.

13 Q. Again, where was this currency deposited?

14 A. Into the U.S. Marshal Service asset forfeiture fund or
15 asset forfeiture account.

16 MS. MUNRO: Your Honor, the government would also
17 move to admit Government's Exhibit 79, which is the 90211 for
18 the deposit slip.

19 THE COURT: Be admitted.

20 (Government Exhibit No. 79 was marked for
21 identification and admitted into evidence.)

22 BY MS. MUNRO:

23 Q. Special Agent Morgan, I believe you testified earlier
24 that when those search warrants were originally executed, the
25 primary focus was on a substance called Blue; is that

1 correct?

2 A. It was one of the substances that were involved in the
3 undercover purchases.

4 Q. Okay.

5 A. Prior to ascertaining the search warrant.

6 Q. So how much Blue did law enforcement seize from that
7 facility on that day?

8 MR. NAGY: Objection. Relevance.

9 THE COURT: What is the substance "Blue"?

10 MS. MUNRO: It's one of the items that Special Agent
11 Morgan testified that they had pulled out of the shop that
12 were suspected bath salts.

13 THE COURT: Okay.

14 He can testify as to the packaging and the volume and
15 that sort of thing but not -- it's not a -- it's in a blue
16 package; right?

17 MS. MUNRO: Just curious if he had a sense --

18 THE COURT: He can testify as to what he saw, but he
19 cannot testify as to any analysis of the product.

20 BY MS. MUNRO:

21 Q. Correct.

22 Did you count what was pulled out on that particular
23 date?

24 A. Yes, ma'am. There was blue product that was located at
25 Queen City Smoke Shop, and there were also cases of Blue

1 product that were located in the master bedroom of the
2 residence.

3 Q. Do you know how many packets of hookah cleaner were
4 pulled out of either the shop or the Taylors' home on the
5 date of the search warrant?

6 A. Specifically, the Crystal Bubbly hookah cleaner?

7 Q. Correct.

8 A. There were approximately 110 packets taken out of the
9 Queen City Smoke Shop, and there were an additional
10 approximately 100 of the packets taken out of the residence
11 as well.

12 MS. MUNRO: I have no further questions.

13 CROSS-EXAMINATION

14 BY MR. NAGY:

15 Q. Good afternoon.

16 A. Good afternoon.

17 Q. Now, when law enforcement and yourself entered into
18 Queen City Smokes back in 2013, you identified several
19 different pictures that we saw previously; correct?

20 A. That's correct.

21 Q. If I could show Government's Exhibit 76 to the witness?
22 Now, you described a couple minutes ago -- let me stop
23 and ask you a different question.

24 One of the previous government exhibits that had
25 photographs -- you went into a description about the

1 difference between bongs and hookahs; is that correct?

2 A. That's correct.

3 Q. You specifically talked about the fact there was often
4 tubing that would come off of the bongs, things of that
5 nature, that you would use to differentiate tubing from
6 bongs.

7 A. Tubing is utilized more commonly with the hookah-type
8 apparatus as opposed to -- just glassware is more common
9 with a marijuana-type bong.

10 Q. Is it fair to say in the photograph you're looking at
11 right now, which is Government's 76, the items in the upper
12 right-hand corner would be better characterized as hookah
13 cleaner? That would be a better characterization of what you
14 were describing before. Is that a fair statement?

15 A. Yes.

16 Q. I'm done with that exhibit. Thank you.

17 Now, you indicated that when law enforcement entered in,
18 you were, in fact, directing photographs to be taken of lots
19 of stuff. Is that a fair statement?

20 A. Yes, sir.

21 Q. And as you're taking photographs, there were, you had
22 indicated, multiple different types of products, the Crystal
23 Bubbly being simply one of the different types of products
24 that were for display or in the store one way or another. Is
25 that a fair statement?

1 A. That's correct.

2 Q. And as you went through, you indicated that there were a
3 lot of different items of evidence that were seized; is that
4 correct?

5 A. That's correct.

6 Q. Some of the other items that were seized included
7 paperwork; isn't that correct?

8 A. Yes, sir.

9 Q. There are all --

10 A. Invoices, ledgers, that sort of thing.

11 Q. Correct.

12 The ledger that the government showed us previously and
13 that you identified -- and that was, I believe, government --
14 it doesn't matter.

15 A. The notebook?

16 Q. Yeah, the notebook.

17 A. Yes, sir.

18 Q. That was just one of many pieces of paper taken out of
19 Queen City; isn't that correct?

20 A. That's correct.

21 Q. There were actually multiple invoices seized from
22 multiple different distributors of multiple different
23 products that were inside of the store; correct?

24 A. Correct. There was a back stockroom that had file
25 cabinets full of paperwork.

1 Q. And that included the Blue that you talked about; right?

2 A. Invoices that reflected the Blue?

3 Q. Yep.

4 A. Yes, sir.

5 Q. And other products that were in there.

6 A. That's correct.

7 Q. The other question that I had about that was -- is it
8 also accurate to say that there were seized from Queen City
9 what I'm going to refer to as lab certificates or purported
10 lab certificates? Isn't that accurate?

11 A. That is correct.

12 Q. And those often matched up with lab certificates that
13 were located within Queen City Smoke Shop as well; isn't that
14 correct?

15 A. Are you referring to AOI Biotech lab?

16 Q. That's what I'm referring to.

17 I see you smiling. Is it fair to say those lab
18 certificates are not particularly reliable?

19 A. That's correct.

20 Q. But those are routinely provided to smoke shops by these
21 distributors; isn't that correct?

22 A. It's a pay-for-fee service.

23 Q. By the distributors.

24 A. Or shop owners, depending on the products that you are
25 going to sell.

1 Q. But it's not uncommon, in your experience, for folks
2 that are selling the product to provide these types of these
3 lab certificates, if you want to call them that, to their
4 shop owner or to their prospective client; isn't that
5 correct?

6 A. The client being the shop owner or individual customer?

7 Q. The customer being the shop owner.

8 A. Is it common for that to take place?

9 Q. You've seen it.

10 A. Yes, I have. I've seen it.

11 Q. Just a couple things I wanted to clear up.

12 You indicated, number one, that the Taylors were
13 present -- or at least one of the Taylors was present at the
14 search warrant at the store. That's not accurate, is it?
15 They were at the home.

16 A. That's not what I said. Yes, sir. They were at the
17 residence. Both were at the residence.

18 Q. That's what I wanted to clear up.

19 A. They had been seen at the shop during the surveillance
20 operation and prior to the execution of the search warrant,
21 but at the time of the search warrant at Queen City Smoke
22 Shop, they were not present.

23 Q. They were present at the house?

24 A. Correct.

25 Q. And you indicated that the money -- the photographs of

1 the money that we saw -- all that money came out of a safe;
2 is that correct?

3 A. Correct.

4 Q. Including the money that was in the backpack that we
5 saw. That also came out of the safe. Isn't that also
6 correct?

7 A. Correct.

8 Q. Were you present when that safe was cracked open?

9 A. No, I was not.

10 Q. So when you testified a minute ago that the bands were
11 in place, you don't know what happened -- let me rephrase the
12 question.

13 That's how you saw it when you arrived; isn't that
14 accurate?

15 A. And how it was explained to me, yes.

16 Q. You're basing that on what somebody else told you?

17 A. Other officers that located that currency, yes.

18 Q. Now, I want to talk about a couple other items with you.

19 The government attorney said a second ago -- was talking
20 about forfeiture with you. I want to talk about this. You
21 guys seized approximately \$295,000, and that was the amount
22 that was seized out of the safe; is that correct?

23 A. That is correct.

24 Q. And again, that included the money that was in the
25 backpack that was in the safe.

1 A. That's correct. And just to correct myself, I believe
2 there was also possibly 50 or something dollars on Mrs.
3 Taylor that was included in the property sheet for the
4 Charlotte Mecklenburg Police Department as well.

5 Q. Again, that was, like, on a nightstand or a drawer or
6 dresser? In her purse? Don't know?

7 A. On her person, I believe, is how it was depicted on the
8 inventory sheet.

9 Q. Fair enough.

10 In these types of procedures, it's also common, is it
11 not, to take a look at other sources of revenue -- for
12 example, bank accounts -- for purposes of attempting to
13 seize; isn't that also correct?

14 A. That is correct.

15 Q. It's true in this case that Queen City Smoke Shop had a
16 bank account; isn't that correct?

17 A. I believe so.

18 Q. And as far as you're aware, there was not a move made to
19 seize and forfeit any of the money in that bank account, was
20 there?

21 A. Not from my standpoint, no, sir.

22 Q. And again, that was the Queen City bank account.

23 A. That's correct.

24 Q. You just seized the cash that was found at their house,
25 and that's it, isn't it?

1 A. Because it was almost dollar for dollar based on the
2 invoices we located for the substances that were in question.

3 Q. Almost dollar for dollar.

4 A. Almost.

5 MR. NAGY: I have no more questions.

6 CROSS-EXAMINATION

7 BY MR. PARKER:

8 Q. Good afternoon, Agent.

9 A. Good afternoon, sir.

10 Q. I just wanted to ask you a couple quick questions.

11 You were not at the residence -- I think you answered
12 Mr. Nagy's question earlier. You weren't at the residence
13 when the money was taken out of the safe; correct?

14 A. No, sir, I was not.

15 Q. Did you ever see the safe?

16 A. Yes, I did.

17 Q. Are you sure it wasn't in the basement?

18 A. The money?

19 Q. No, the safe.

20 A. There was a safe inside the master bedroom.

21 Q. That was the only one that you can recall?

22 A. That's the only one that I recall.

23 Q. Now, you also testified just a few minutes ago that
24 there was numerous amounts of paperwork that was taken from
25 the shop -- Queen City Smoke Shop; isn't that correct?

1 A. That's correct.

2 Q. In regards to that, you don't recall Mr. Edward Taylor's
3 name on any of that paperwork, do you?

4 A. Again, there were numerous, numerous papers. I do not
5 recall it specifically.

6 MR. PARKER: Thank you.

7 THE COURT: Anything else?

8 Any redirect?

9 MS. MUNRO: Just a couple of questions.

10 REDIRECT EXAMINATION

11 BY MS. MUNRO:

12 Q. You testified a moment ago about these lab certificates.

13 A. Yes, ma'am.

14 Q. Do those lab certificates that you saw provide for
15 what's in a substance? Do you know?

16 A. Do they -- no, ma'am. They go through an explanation of
17 the fact that they allegedly or possibly tested for various
18 types of substances and it did not contain those particular
19 substances. However, there are thousands of substances, and
20 thousands of analogue substances that contain illegal
21 narcotics.

22 Q. So it shows what's not in them?

23 A. Or what they claim they tested for.

24 Q. This AO Biotech lab --

25 A. Correct.

1 Q. -- are you familiar with that organization?

2 A. Yes, ma'am, I am.

3 Q. Do you know what happened to it? Is it still in
4 business?

5 A. No, ma'am. It was shut down in part of a federal
6 investigation as well.

7 Q. Do you know why?

8 A. For fake and false lab certificates.

9 Q. Okay. And I believe that a moment ago you testified
10 about invoices that were found where? In the home or in the
11 shop?

12 A. In the shop.

13 Q. Okay. What were those invoices for, exactly?

14 A. The ones that I paid particular attention to were for
15 the various products that we knew, after testing analysis had
16 determined they contained illegal substances -- for example,
17 Blue being one of those products. I've looked at and went
18 through those documents and conducted an analysis based on
19 the inventory that was brought in, all of the items that were
20 brought in, the total amounts along with the profit margin
21 yielded of those amounts to come up with our determination of
22 the currency. When I mentioned before almost dollar for
23 dollar, the Blue total amounts in the profit margin was
24 approximately \$400,000 in just about a three-month time
25 frame. And again, the currency seized was approximately

1 \$295,000 in cash.

2 Q. And did you analyze those invoices in detail for the
3 history of product purchases?

4 A. Yes, I did.

5 Q. Were you able to make any kind of determination as to
6 that as to the volume of substances or products that was
7 being purchased?

8 A. As it correlates to marijuana equivalencies or just
9 those particular products?

10 Q. What is a marijuana equivalency?

11 A. So for --

12 MR. NAGY: Objection. Beyond the scope of cross.

13 THE COURT: Sustained.

14 BY MS. MUNRO:

15 Q. So did you make any determination based on the products
16 that were purchased as to how much product had been purchased
17 through those invoices?

18 THE COURT: Don't answer that.

19 MR. NAGY: This is not relevant. We're talking about
20 Blue, for one thing. It's also beyond the scope of what I
21 was asking also. I don't know that it's relevant, but it's
22 clearly beyond the scope of cross.

23 THE COURT: I don't think there's sufficient evidence
24 to support the conclusion.

25 MS. MUNRO: Thank you, Your Honor.

1 BY MS. MUNRO:

2 Q. Thinking back to one of the photographic exhibits that
3 you saw earlier, you just, a moment ago, discussed that you
4 had seen Crystal Bubbly hookah cleaner packets?

5 A. That's correct.

6 Q. Okay. I'm going to show you what's marked as
7 Government's Exhibit 112.

8 Now, in connection with the search, did you have
9 occasion to look at the front of those packets at any point
10 in time?

11 A. Yes, ma'am.

12 MR. NAGY: Objection. It's beyond the scope of
13 cross.

14 THE COURT: Does this exceed the scope of cross?

15 MR. NAGY: I didn't ask about the packets.

16 THE COURT: Go ahead.

17 MS. MUNRO: He asked about the substances that were
18 pulled out during the search warrant at the house.

19 THE COURT: All right. Go ahead.

20 THE WITNESS: I'm sorry. What was your question?

21 BY MS. MUNRO:

22 Q. So you had occasion to look at the logo on the front?

23 A. Yes, ma'am. That is correct.

24 Q. Are you able to look at the front of the bags that are
25 in that exhibit?

1 A. Yes, ma'am.

2 Q. Does that look similar to what you saw at that time?

3 A. Yes, ma'am. These are the same type artwork and
4 packaging that were taken from the shop and the residence
5 during the 2013 investigation.

6 Q. But do you know whether those are the same packets?

7 A. These are not the same packets. These were taken from a
8 2015 Burlington, North Carolina, investigation.

9 Q. How do you know that?

10 A. I know that because that evidence, after it was seized
11 in an operation involving the Taylors -- I requested that
12 evidence to be forwarded to me so that I could send it to our
13 lab in Miami so that it could be analyzed.

14 Q. So based on that, you know that they're not the same
15 substances that you saw in 2013.

16 A. I'm not sure about the substance. They're not the same
17 packets that were seized from 2013. They're different
18 exhibits.

19 MS. MUNRO: Thank you.

20 THE COURT: Is that all?

21 Thank you, sir. You may step down.

22 (Conclusion of testimony of Christopher Morgan.)

23

24

25

1 **INDEX**

2 **WITNESS FOR GOVT.**

3 Christopher Morgan		
4 Direct Examination by Ms. Munro.....	3	
5 Cross-Examination by Mr. Nagy.....	35	
6 Cross-Examination by Mr. Parker.....	42	
7 Redirect Examination by Ms. Munro.....	43	

<u>Exhibit No.</u>	<u>Marked</u>	<u>Admitted</u>
Govt. No. 76	10	10
Govt. No. 70	13	13
Govt. No. 71	14	14
Govt. No. 75	17	17
Govt. No. 77	18	18
Govt. No. 74	24	24
Govt. No. 73	25	25
Govt. No. 72	26	26
Govt. No. 78	33	33
Govt. No. 79	33	33

"I certify that the foregoing is a correct transcript from
the record of proceedings in the above-entitled matter.